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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,137	09/29/2003	Leonid Rozhavsky	CM01111S	4266

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EXAMINER

NGUYEN, KHAI MINH

ART UNIT PAPER NUMBER

2687

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/674,137

Applicant(s)

ROZHAVSKY ET AL.

Examiner

Khai M. Nguyen

Art Unit

2687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1, 2, 7-9 and 13 is/are rejected.
7) ☒ Claim(s) 3-6, 10-12 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This Office Action is response to Amendment filed on 10/26/2005.
Claims 1-13 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 7-9, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luschi et al. (U.S.Pat-20030045288) in view of Dicker et al. (U.S.Pat-6975603).

Regarding claim 1, Luschi teaches a wireless data communication terminal sharing a data communication resource with a plurality of other data communication terminals (fig.1-3, element 2, paragraph 0021, 0042, 0046, *base station 2 and many mobile station UE communicating*), the wireless data communication terminal being

operable to receive channel status information from a wireless serving communication terminal on an outbound channel (paragraph 0020, 0027, *the dedicated channels carries control information for a dedicated control channel*) and to transmit data to said wireless serving communication terminal on an inbound channel (paragraph 0021, 0049, *UEs need to be told when they next HS-DSCH transmission time interval TTI*), the wireless data communication terminal comprising a processor operable to monitor channel status symbols inserted on the outbound channel (fig.1, paragraph 0010-0011); and to regulate time intervals between successive data transmissions on said inbound channel dependent upon said monitored channel status symbols inserted on the outbound channel (paragraph 0027, 0046, 0049).

Luschi fails to specifically disclose wherein the time intervals are adaptive. However, Decker teaches a method to provide for minimizing the loss of information transmitted over channels between at least to data stations, and Decker further teaches wherein the time intervals are adaptive (fig.2-5, col.7, line 27 to col.8, line 6). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use wherein the time intervals are adaptive as taught by Luschi with Decker teaching in order to provide minimizing the loss of information in wireless communications.

Regarding claim 2, Luschi further teaches the wireless communication terminal according to claim 1, wherein said monitored channel status symbols inserted on the

outbound channel indicate a current status of the inbound channel (fig.1, paragraph 0010-0011, 0027, 0049), thereby enabling said wireless communication unit to transmit data packets on said inbound channel dependent upon adaptive channel loading of the inbound communication resource (fig.3-7, paragraph 0060, 0066).

Regarding claim 7, Luschi teaches a wireless data communication system supporting an RD-LAP data transmission protocol including a plurality of wireless data communication terminals, wherein the terminals share a data communication resource (fig.1-3, element 2, paragraph 0021, 0042, 0046, *base station 2 and many mobile station UE communicating*), and each of the terminals is operable to receive channel status information from a wireless serving communication terminal on an outbound channel (paragraph 0020, 0027, *the dedicated channels carries control information for a dedicated control channel*) and to transmit data to said wireless serving communication terminal on an inbound channel (paragraph 0021, 0049, *UEs need to be told when they next HS-DSCH transmission time interval TTI*), each wireless data communication terminal comprising a processor operable to monitor channel status symbols inserted on the outbound channel (fig.1, paragraph 0010-0011); and to regulate time intervals between successive data transmissions on said inbound channel dependent upon said monitored channel status symbols inserted on the outbound channel (paragraph 0027, 0046, 0049).

Luschi fails to specifically disclose wherein the time intervals are adaptive time intervals in the RD-LAP wireless data communication system. However, Decker teaches a method to provide for minimizing the loss of information transmitted over channels between at least to data stations, and Decker further teaches wherein the time intervals are adaptive time intervals in the RD-LAP wireless data communication system (fig.2-5, col.7, line 27 to col.8, line 6). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use wherein the time intervals are adaptive time intervals in the RD-LAP wireless data communication system as taught by Luschi with Decker teaching in order to provide minimizing the loss of information in wireless communications.

Regarding claim 8, Luschi teaches a method of sharing a data communication resource in a wireless data communication system (fig.1-3, element 2, paragraph 0021, 0042, 0046, *base station 2 and many mobile station UE communicating*), wherein at least one wireless data communication terminal receives channel status information from a wireless serving communication terminal on an outbound channel (paragraph 0020, 0027, *the dedicated channels carries control information for a dedicated control channel*) and transmits data to said wireless serving communication terminal on an inbound channel (paragraph 0021, 0049, *UEs need to be told when they next HS-DSCH transmission time interval TTI*), the method comprising the steps of:

inserting channel status symbols on said outbound channel by said wireless serving communication terminal (fig.1, paragraph 0010-0011); and

monitoring, by said at least one wireless data communication terminal, channel status symbols inserted on said outbound channel (paragraph 0047, 0055);

regulating time intervals between successive data transmissions on said inbound channel, by said at least one wireless data communication terminal, dependent upon said monitored channel status symbols inserted on the outbound channel (paragraph 0027, 0046, 0049).

Luschi fails to specifically disclose wherein the time intervals are adaptive. However, Decker teaches a method to provide for minimizing the loss of information transmitted over channels between at least two data stations, and Decker further teaches wherein the time intervals are adaptive (fig.2-5, col.7, line 27 to col.8, line 6). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use wherein the time intervals are adaptive as taught by Luschi with Decker teaching in order to provide minimizing the loss of information in wireless communications.

Regarding claim 9, Lushi further teaches the method according to claim 8, wherein said step of inserting channel status symbols on the outbound channel indicates a current status of the inbound channel (paragraph 0027, 0046, 0049).

Regarding claim 13, Luschi teaches a storage medium storing processor-implementable instructions or data for controlling a processor to carry out a method of sharing a data communication resource in a wireless data communication system (fig.1-3, element 2, paragraph 0021, 0042, 0046, *base station 2 and many mobile station UE communicating*) wherein at least one wireless data communication terminal receives channel status information from a wireless serving communication terminal on an outbound channel (paragraph 0020, 0027, *the dedicated channels carries control information for a dedicated control channel*) and transmits data to said wireless serving communication terminal on an inbound channel (paragraph 0021, 0049, *UEs need to be told when they next HS-DSCH transmission time interval TTI*), the method carried out by the processor comprising the steps of:

inserting channel status symbols on said outbound channel by said wireless serving communication terminal (fig.1, paragraph 0010-0011); and

monitoring, by said at least one wireless data communication terminal, channel status symbols inserted on said outbound channel (paragraph 0047, 0055);

regulating time intervals between successive data transmissions on said inbound channel, by said at least one wireless data communication terminal, dependent upon said monitored channel status symbols inserted on the outbound channel (paragraph 0027, 0046, 0049).

Luschi fails to specifically disclose wherein the time intervals are adaptive. However, Decker teaches a method to provide for minimizing the loss of information transmitted over channels between at least two data stations, and Decker further teaches wherein the time intervals are adaptive (fig.2-5, col.7, line 27 to col.8, line 6). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use wherein the time intervals are adaptive as taught by Luschi with Decker teaching in order to provide minimizing the loss of information in wireless communications.

Allowable Subject Matter

4. Claims 3-6, 10-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Citation of Pertinent Prior Art

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Terry et al. (U.S.Pat-20030153276) discloses Transport block set transmission using hybrid automatic repeat request.

Adelman et al. (U.S.Pat-6078957) discloses Method and apparatus for a TCP/IP load balancing and failover process in an internet protocol (IP) network clustering system.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M. Nguyen whose telephone number is 571.272.7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571.272.7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Khai Nguyen
AU: 2687

12/23/2005


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PATENT EXAMINER